



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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July 23, 2015

Mr. William J. Fehribach, Jr.  
107 Dean Alley  
Henryville, IN 47126

*Re: Formal Complaint 15-FC-184; Alleged Violation of the Open Door Law by  
Monroe Township Trustee*

Dear Mr. Fehribach,

This advisory opinion is in response to your formal complaint alleging the Monroe Township Trustee ("Trustee") violated the Open Door Law ("APRA"), Ind. Code § 5-14-1.5-1 *et. seq.* On July 1, 2015, the Trustee responded to your complaint via Mr. Alan Bottorff, Trustee. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 12, 2015.

## **BACKGROUND**

Your complaint dated June 11, 2015 alleges the Monroe Township Trustee violated the Open Door Law (ODL) by denying to access to a public meeting.

On April 26, 2015, you received a visit from a member of the Township Trustee Advisory Board informing you about an upcoming meeting of the advisory board regarding the demolition of a house damaged by a 2012 tornado.

On May 6, 2015, you spoke to Mr. Bottorff who informed you that no meeting had been planned and you would be informed if there was such a meeting.

In his response, Mr. Bottorff states there has been no meeting about the house in question. He states he is unaware of the conversation with the board member who visited you. However, he notes all meetings of the Trustee are advertised in the local paper between thirty (30) and forty-five (45) days prior to the meeting date.



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## ANALYSIS

It is the intent of the Open Door Law (ODL) the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. See Ind. Code § 5-14-1.5-3(a).

The Open Door Law requires that "notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours before the meeting. See Ind. Code Ann. § 5-14-1.5-5. Here, the response has noted the notice is given at least thirty (30) days in advance. Therefore, there is no issue of notice. You contend you were denied access to a meeting; however, the Trustee has noted no meeting took place.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Monroe Township Trustee has not violated the Open Door Law because no meeting took place.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Alan Bottorff